

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JESSE L. SPENCER,

**Plaintiff,**

V.

CAROLINE W. COLVIN, Acting  
Commissioner of Social Security,

**Defendant.**

Case No. 13-5134-BHS-KLS

## REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF#25). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter pursuant to sentence four of 42 U.S.C. § 405(g) to the Commissioner for further proceedings.

This court recommends that on remand the ALJ will further develop the record, including holding a *de novo* hearing in order to properly record all testimony. Having developed the record, the ALJ will conduct the sequential disability evaluation process and issue a new decision.

Upon proper presentation, this Court will consider Plaintiff's application for costs and attorney fees under 28 U.S.C. § 2412(d) and 42 U.S.C. § 406(b).

Given the fact of the parties' stipulation, the Court recommends that the District Judge  
immediately approve this Report and Recommendation and order the case **REVERSED** and  
**REMANDED.** A proposed order accompanies this Report and Recommendation.

DATED this 16<sup>th</sup> day of October, 2013.

  
Karen L. Strombom  
United States Magistrate Judge